



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2013
DISTRIBUTED: March 6, 2013

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Asbestos:

A-Best Abatement, Inc., Eliot, Maine. A-Best Abatement, Inc. ("A-Best") violated the Department's *Asbestos Management Regulations* by allowing personnel to wear clothing under protective suits and footwear that was not designated for asbestos use only, easily identifiable by sight, and permanently marked as "Asbestos Clothing." To resolve the violation, A-Best agreed to pay \$1,500 as a civil monetary penalty, according to a payment schedule.

BioSafe Environmental Services, Inc., Lewiston, Maine. BioSafe Environmental Services, Inc. ("BioSafe") violated the Department's *Asbestos Management Regulations* by failing to adequately wet with water all asbestos containing material ("ACM") prior to removal and failing to keep ACM adequately wetted throughout the removal, storage, transport, and disposal processes. To resolve the violation, BioSafe paid \$2,000 as a civil monetary penalty.

Hazardous Waste:

Jeff's Marine Inc., Thomaston, Maine. Jeff's Marine Inc. ("Jeff's Marine") violated the Department's rules concerning *Standards for Generators of Hazardous Waste* by: failing to ship hazardous waste off-site within 90 days of the accumulation start date; failing to label or mark each container of hazardous waste with the accumulation start date and the words "Hazardous Waste"; failing to keep containers of hazardous waste closed except when adding or removing waste; failing to obtain an EPA identification number; and failing to store hazardous waste in a location that provides a containment and collection system. In addition, Jeff's Marine violated the Department's rules concerning *Identification of Hazardous Wastes* by failing to mark and label containers of universal waste lamps with the accumulation start date and words "Waste Lamps", and failing to store universal waste lamps in containers. Subsequent to Department involvement, Jeff's Marine notified the Department that it had taken corrective actions including: shipping all hazardous waste that had been stored onsite for more than 90 days; properly marking and labeling hazardous waste containers; submitting an application for an EPA identification number; properly storing all hazardous waste containers over containment; and shipping off-site and managing universal waste in accordance with Department rules. To resolve the violations, Jeff's Marine paid \$3,500 as a civil monetary penalty.

Land:

John K. Stevens, Vinalhaven, Maine. John K. Stevens ("Stevens") violated Maine's *Natural Resources Protection Act* by displacing, or causing to be displaced, soil adjacent to a coastal wetland and constructing, or causing to be constructed, a permanent structure adjacent to a protected natural resource without first obtaining a permit from the Department. Specifically, a concrete slab, new building, and deck had been constructed immediately adjacent to a coastal wetland without having first obtained a permit from the Department. Subsequent to Department involvement, Stevens submitted an after-the-fact permit application for the construction of a structure within seventy-five feet of the coastal wetland. To resolve the violations, Stevens agreed to comply with all terms of the after-the-fact permit if it is approved by the Department, or, if the after-the-fact permit is denied, returned, or



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withdrawn, submit a restoration plan to the Department to remove the structure and restore the area with vegetation. In addition, Stevens paid \$4,744 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Multi-program:

State of Maine, Department of Environmental Protection v. Cornerbrook LLC and CPSP LLC, South Portland, Maine. Cornerbrook LLC ("Cornerbrook") and CPSP LLC ("CPSP") violated Maine's *Protection and Improvement of Waters* law and the Department's rules concerning *Applications for Waste Discharge Licenses* by failing to obtain either an individual Maine Pollutant Discharge Elimination System permit or coverage under the Department's *General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed* for designated discharges of storm water runoff from properties owned by the entities into waters of the state, specifically Long Creek or its tributaries. In addition, CPSP violated the terms of its Department-issued *Site Location of Development* law permit and Maine's *Site Location of Development* law by clearing 22,500 square feet of wooded area, some of which was forested wetland, of trees and other vegetation from an "open space" area that was to remain natural and undisturbed under the permit. Clearing vegetation from the wetland without a permit is also a violation of Maine's *Natural Resources Protection Act*. In a Consent Decree and Order entered into by the parties and approved by the court, to resolve the stormwater violations, Cornerbrook and CPSP agreed to submit Notices of Intent, which demonstrate that a participating landowner agreement has been executed with the Long Creek Watershed Management District and all outstanding fees required by the Long Creek Watershed Management District have been paid, for coverage under the Department's *General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed*. With respect to the Cornerbrook Participating Landowner Agreement, Cornerbrook acknowledged that effectuating a Participating Landowner Agreement with the Long Creek Watershed Management District will require agreeing to implementation of the Long Creek Watershed Management Plan which includes removal of a stormwater detention basin located on the Cornerbrook property and restoration of the Long Creek floodplain in the area where the stormwater detention basin is located. Cornerbrook agreed to pay \$13,986 as a civil monetary penalty, all of which will be suspended and permanently waived if Cornerbrook complies with the requirements of the Consent Decree and Order. CPSP agreed to pay \$17,732 as a civil monetary penalty, of which \$3,884 is suspended and permanently waived if CPSP complies with the requirements of the Consent Decree and Order. To resolve the *Site Location of Development* law and *Natural Resources Protection Act* violations, CPSP agreed to not disturb the open space areas identified in the project's *Site Location of Development* law permit, and paid \$6,152 as a civil monetary penalty.